

# WEATHER.

Fair and warmer tonight; Tuesday partly cloudy; moderate south and southwest winds.

FULL REPORT ON PAGE FOURTEEN.

No. 19,395.

WASHINGTON, D. C., MONDAY, NOVEMBER 3, 1913—EIGHTEEN PAGES

About every one in Washington who reads at all reads The Star.

CLOSING NEW YORK STOCK QUOTATIONS PAGE 14

ONE CENT.

## 'LOAN SHARK' LAW UPHELD ON APPEAL

Appellate Court Decides the Enactment Is Not Unconstitutional.

## PLEA OF PAWNBROKER FOR DISTRICT LICENSE

Lower Tribunal Reversed in the Matter of W. N. Prender's Application for Mandamus.

The "loan shark" law, passed February 4 last, was sustained today by the District Court of Appeals, in an opinion by Chief Justice Shepard. The appellate court reverses the decision of Chief Justice Chubb of the District Supreme Court, which held the law discriminatory and therefore unconstitutional and void.

The question arose in a proceeding for mandamus instituted by William N. Prender, a resident of Alexandria county, to compel the District Commissioners to grant him a license as a pawnbroker under the law, on the theory that the new enactment was invalid.

The lower court sustained the contention of Attorney Thacker, for Prender, that the law was unconstitutional, and directed a mandamus to issue. Assistant Corporation Counsel Stephens noted an appeal.

The argument made by counsel for the "would-be" pawnbroker was that the section of the new law was invalid, in that it allowed licenses to issue to foreign or non-resident corporations and refused the privilege to a non-resident individual. This discrimination was held to be unconstitutional.

Reasons for Reversal.

In reversing this ruling, Chief Justice Shepard says: "That there is such discrimination cannot be denied, and the question is, considering the nature of the business regulated, whether the classification and discrimination are within the power of Congress.

"Congress in legislating for the District of Columbia is vested with the ordinary police power of the states within their several limits, and is not limited by the provisions of the fourteenth amendment.

"However, as has been said, in *Curry v. District of Columbia*, the power is not absolute, but it is not to be exercised arbitrarily. In that case, which is relied on by the appellee, it was held there could be no discrimination between certain persons in the District pursuing a business neither injurious nor objectionable and at all times open, but also to regulate for the prevention of mischief.

"The regulation of the rates of interest is a matter clearly within the police power of the business of lending money in small sums upon pledge or security is one within the police power and subject not only to license, but also to regulation for the prevention of mischief.

"Within Discretion of Legislature.

"The power to regulate existing, the details of the legislation and the exceptions proper to be made rest primarily within the discretion of the legislature, the court points out. So long as the regulations are not unreasonable and are based on a reasonable basis and are not merely arbitrary selections, the chief justice holds, it is not for the courts to say that they are beyond the exercise of the legitimate power of classification of persons.

"This power of classification of persons," Chief Justice Shepard says, "making different provision in relation to residents and non-residents, has frequently been upheld as being reasonable or arbitrary.

"The purpose of the act under consideration," the opinion states, "was to remove mischief resulting from money-lending of the kind defined through former inefficient legislation.

"The new regulations requiring bonds payable by injured persons, notices to be posted by pawnbrokers, and regulations upon which the successful administration of the new law, in a measure, depended, and through which the people might be benefited, are the apparent reason why licenses in the case of natural persons and unincorporated associations were limited to residents.

Service of Processes.

"These were within the jurisdiction and could be personally served with process and the notices required. Such persons being out of the District could not be so served. The reason for this discrimination is emphasized by the admission of corporations of other states."

Violators of Law to Be Prosecuted.

"Immediate prosecution of all persons found violating the loan shark law will be ordered by the Commissioners, following the decision of the District Court of Appeals today upholding the constitutionality of the law.

Commissioner Siddons, who, as a member of the Monday Evening Club, took an active part in the campaign for loan shark legislation, stated that offenders of the law will be proceeded against at once.

"I have been informed that the District Court of Appeals today sustained the constitutionality of the so-called 'loan shark law,'" said Commissioner Siddons. "I have not yet seen the opinion of the court, and do not, therefore, know its details, but assuming that the information is correct, I am very much gratified at the outcome.

Will Move With Celerity.

"If this opinion of the court becomes the final judicial view, the District of Columbia authorities will not be found wanting in a strict enforcement of its provisions, and violators of the law will be proceeded against with firmness and celerity."

## NO POPULAR FUND TO HOLD DAVIDSON

School Superintendent Would Not Accept That Kind of Salary Increase.

## CONGRESS ISN'T LIKELY TO COME TO THE RESCUE

Difficulties in Way of Securing Early Action Through Medium of Lawmakers.

Dr. William M. Davidson, superintendent of public schools of the District, has not yet determined whether he will accept the Pittsburgh superintendency, but stated today that he would reach a decision in the near future.

Dr. Davidson held a conference today with the president of the local board, Henry P. Blair, and the vice president, Ernest H. Daniel. The conference undoubtedly was on the question of the Pittsburgh superintendency, but none cared to say anything regarding the matters discussed.

Although he made it plain that he highly appreciated all that was being said regarding his retention here and the proposition advanced that a public contribution should be made to increase the salary of the superintendent here until it equaled or surpassed that of the Pittsburgh position, Dr. Davidson today declared that he would not consider such a proposition for a moment.

Would Not Accept It.

"While I appreciate all the kind words that have been spoken," he said today, "no man in a public position could seriously entertain the proposition of a public contribution." It had been suggested that if all the school children in the District were called upon to contribute 5 cents apiece the amount might be made up "and Congress might come into increasing the salary of the superintendent."

In the meantime there is a current of agitation throughout the school system, for all realize that if Dr. Davidson were to resign from his position here it would be most serious for the schools. He has a number of projects under way now, none of which has reached a state of advancement where they may be taken up successfully by other officials.

Several members of Congress today indicated that they are inclined to support him to pay the entire expenses of the District public schools. While this might be considered advantageous by many, inasmuch as the board of education has not probably have the entire control of salaries, teachers' pensions and other matters, it is doubtful whether the matter would meet with public approval, inasmuch as it would open up an entirely new feature in the workings of the District government.

Increase of Salary Unlikely.

Members of the two committees of the House which would deal with the question of the salary paid to Dr. Davidson were not inclined to express their opinions publicly when asked whether they favor an increase of pay to the school head.

However, it can be reliably stated that the House will not be hasty in favoring a law which would place the salary in question at \$30,000.

Inquiries into the views of the men who command the parliamentary situation in the House were made today by a Star reporter, with the result that the committee found was not all inclined to favor a law which would place the salary in question at \$30,000.

May Bar Auction Sale "Puffer."

It is probable that the Commissioners this week will consider the advisability of promulgating a police regulation, based upon the act of 1887, which will provide that no person shall be engaged in the "puffer" at auction sales and that the ringing of a bell to attract attention to a sale of this character shall be restricted to once a day and a period of time not exceeding five minutes.

The proposed regulation also will provide that no auctioneer's license shall be issued to any person who is not a resident of the District of Columbia.

As it requires thirty days for a license to become effective, it is likely that this amount of time will elapse before the Commissioners have examined the bonds to be submitted and the renewal applications passed upon.

Enforcement of the law now on the statute books and the police regulation combined will be sufficient for the protection of the public against fake auction sales.

## BRUNSWICK HAILS DUKE

New Ruler and His Bride Welcomed to Capital by Great Crowds.

BRUNSWICK, Germany, November 3.—Disagreeable weather failed to dampen the enthusiasm of the crowds here today for the state entry into Brunswick of the young Duke and Duchess of Brunswick, hitherto known as Prince Ernest August of Cumberland and Princess Victoria.

The Duke and Duchess arrived in a motor coach drawn by eight horses through streets packed with people, who cheered them as they passed. The procession was led and followed by troops of cavalry.

At the palace the duke, after his new courtiers had been presented, read from the steps of the throne in the presence of the duke and duchess, and of the duke's deputies a speech in which he again reiterated his loyalty to existing conditions in the German empire.

Will Move With Celerity.

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SECRETARY MCDONOUGH'S BUSY DAYS.

## PRISON TERM FAGED BY BARTON MILLER

Former Building Association Official Loses in the Court of Appeals.

## MAY MOVE FOR A REVIEW BY HIGHEST TRIBUNAL

Was Convicted of Embezzling Funds and Destroying Books of Georgetown Institution.

## CRUSHED UNDER WALLS Storehouse Collapses, Killing Two Persons and Seriously Injuring Four Others.

HARTFORD, Conn., November 3.—The entire side of a four-story brick storehouse on North Front street collapsed early today and crashed through the frame dwelling house of John Hughes, immediately adjoining. As a result two persons are dead, three fatally injured and another seriously hurt. The dead are John Hughes, fifty-nine, and Eva Dooty, his granddaughter.

The storehouse, a new building, was filled with bales of rags and tobacco. Michael Greenberg, its owner, said the building was dynamited, but firemen and police found no evidence of an explosion, and declared that faulty construction probably caused the collapse. The building was constructed of bricks which had been in another building, and the foundations, it was said, were insecure. The city building inspector started an investigation at once.

All the dead and injured were sleeping when the crash came. The wall of the warehouse slipped in a diagonal direction, emptying thousands of bales of rags and other goods on top of the crushed Hughes home.

Swiss Railway to Be Electrified.

BERNE, Switzerland, November 3.—The Swiss government is providing for the expenditure of \$7,000,000 for the electrification of the St. Gothard railway. This, it is said, will be the first step in the electrification of all the Swiss national railways.

Thirty-Three Counts in Indictment.

The former officer of the association was tried first on the embezzlement charge, which contained thirty-three counts, alleging the misappropriation of more than \$100,000. After an extended trial the jury convicted him on two counts of embezzling sums totaling about \$1,000.

On this conviction, Justice Starford imposed a sentence of ten years' imprisonment on each count. Miller appealed and a new trial was granted.

The second trial, held before Justice Wright, was on the consolidated charges of embezzlement, of which Miller had been convicted, and the destruction of the books. A jury found him guilty of

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BY N. O. MESSENGER.

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Sulzer doesn't allow this prospect to worry him, however. He says he will be glad to go before the grand jury and will there reveal some things that were ruled out in the impeachment proceedings. The trouble with "Bill" is he has been on the eve of revealing something every moment since the impeachment started, and people have lost interest in his threatened revelations.

Sulzer Plays His Trump.

Sulzer last night played the card which he has had up his sleeve for Judge McCall. He charged that Judge McCall promised to have the impeachment proceedings stopped if Sulzer would endorse the Tammany candidate's nomination for mayor and stop the graft investigations by John A. Hennessy.

People have been so busy trying to keep up with this whirling dervish mayoralty campaign that they have paid very little attention to what is going on in the rest of the state. Two judges of the court of appeals are to be elected and the assembly, in elections seem to be that William E. Werner of Rochester, the republican candidate for chief justice of the court of appeals, and Frank H. Hiscock of Syracuse, the republican candidate for associate justice, are the favorites.

There is also apparently a rain protest that the assembly will be anti-democratic with Murphy's control of it. Last night an apocalyptic campaign has been made for the assembly, many republicans holding that it would be wise to elect a democrat to the assembly, and the consequent responsibility, until the next campaign.

For Seat in Congress.

A representative in Congress is to be chosen to succeed Francis Burton Harrison, who has gone to the Philippines. It is thought that Jacob A. Cantor will be elected to the district.

Cantor was elected to the assembly as a democrat in 1884, re-elected in 1885 and 1886, and the two latter years was chairman of the New York delegation of that party. Mr. Cantor is the author of what is known as the "Cantor franchise act," which prevented the giving away of street railway franchises, the plan to build a new canal, and the creation of the railroad commission and finally to the public service commission.

In 1887 he was nominated and elected state senator from the fourteenth senatorial district as a democrat, and during the entire period and in 1892 and 1893 was elected to the senate as a democrat, and during the entire period and in 1892 and 1893 was elected to the senate as a democrat, and during the entire period and in 1892 and 1893 was elected to the senate as a democrat.

A Sound-Money Democrat.

In 1902 he was voted for in the democratic state convention for governor. He is an independent democrat and was nominated for Congress as such, having been assured of the support of all elements of the party.

His record in the legislature is that of a reformer, and he congratulates the President and the democratic Congress upon the passage of the tariff bill. He is a sound money man, and is a thorough believer in maintaining the gold standard.

During his eleven years as senator and three as a member of the assembly, he has been a member of the New York state delegation in the congressional district in which he is now a member of the district. He has again moved into the district. He is not now and has not been a member of the Tammany organization.

Republicans in New York Expect to Gain Assembly by Tomorrow's Elections

NEW YORK, November 3.—Republicans predicted today that they would retain control of the legislature through tomorrow's elections. Their hopes are based on democratic disaffection over the removal of Gov. Sulzer and the fact that the democratic leaders have neglected the state command of New York city.

The progressive party promises to play as important a part in the state election as it did a year ago. To the big progressive vote last year the republicans attributed the loss of the governorship and the loss of the legislature. This year through fusion with the republicans New York city, the progressive party are assured an increased representation in the assembly and should the election be close the republicans will have the power in that house between the two older parties.

Expect Many to Return.

At the same time republicans assert that their friendly understanding with the progressives in the metropolis will benefit the republican candidates upstate, and with no contest for the governorship to unite the progressives in a statewide effort they expect that many of the latter will return to the republican fold.

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Following the advice of Col. Roosevelt, the progressives have made a special effort to elect assemblymen in this city they have obtained republican endorsement for their nominees to the assembly. The republicans are expected to elect a majority of the republican candidates for aldermen.

Standards. Democrats 184; republicans 42; progressives 4.

New York city's bitter mayoralty campaign ended on its last day today.

(Continued on Second Page.)

## SENATE IS ASSURED ON MEXICAN POLICY

Bacon Declares It Will Meet Approval of Congress and the American People.

## CONFERS WITH PRESIDENT REGARDING THE SITUATION

Nothing at Present Justifies Intervention, Sources Close to White House Say.

Assurances that the policy of the administration in the Mexican situation would "meet the approval of the American Congress and the American people" were given on the floor of the Senate today by Senator Bacon of Georgia. Chairman of the subcommittee on Mexican affairs, who has conferred with the President regarding the Mexican situation, Senator Bacon replied to a letter read into the record by Senator Ellison of Kansas, who said he had received it from a "friend of thirty years standing."

The letter urged that the United States keep hands off Mexico, and advised the Mexican factions to fight out their differences among themselves. "The present neutrality policy," which keeps the United States out of the Mexican situation, "is a policy which I think it would mean only conquest by the assistance of American troops and the loss of millions of money."

Senator Bacon said: "I can assure you, Senator Ellison, that the policy of the administration in the Mexican situation is a policy which I think it would mean only conquest by the assistance of American troops and the loss of millions of money."

No Cause for Intervention.

There is absolutely nothing in the present situation or the prospective policy of the administration that will justify intervention in Mexico, unless the Mexicans themselves pursue a course requiring that, according to information from sources close to the White House.

Intervention talk is distasteful to high officials, who are struggling to bring about a settlement of the present situation without resort to conflict, such as would follow the crossing of the border by troops of the United States.

Europe is not making representations that the United States must busy one way or another. Any such measures would be a mistake.

The United States will handle Mexico in its own way